

ADM-17.08, "DOMESTIC VIOLENCE"

## SCDC POLICY

NUMBER: ADM-17.08

TITLE: DOMESTIC VIOLENCE

ISSUE DATE: APRIL 1, 2016

RESPONSIBLE AUTHORITY: DIVISION OF HUMAN RESOURCES

OPERATIONS MANUAL: ADMINISTRATION

SUPERSEDES: NONE - NEW POLICY

RELEVANT SCDC FORMS/SUPPLIES: 16-123

ACA/CAC STANDARDS: 4-ACRS-7B-05, ACRS-7C-01, ACRS-7E-04, 4-4056, 4-4061, 4-4071

STATE/FEDERAL STATUTES: SOUTH CAROLINA CODE OF LAWS 1-1-1410; and 16-25-10 et seq.; State HR Regulation 19-712.01 F.

THE LANGUAGE USED IN THIS POLICY DOES NOT CREATE AN EMPLOYMENT CONTRACT BETWEEN THE EMPLOYEE AND THE AGENCY. THIS POLICY DOES NOT CREATE ANY CONTRACTUAL RIGHTS OR ENTITLEMENTS. THE AGENCY RESERVES THE RIGHT TO REVISE THE CONTENTS OF THIS POLICY, IN WHOLE OR IN PART. NO PROMISES OR ASSURANCES, WHETHER WRITTEN OR ORAL, WHICH ARE CONTRARY TO OR INCONSISTENT WITH THE TERMS OF THIS PARAGRAPH CREATE ANY CONTRACT OF EMPLOYMENT.

THIS POLICY DOES NOT APPLY TO INCIDENTS OF INMATE VIOLENCE. REFER TO SCDC POLICY OP-22.14, INMATE DISCIPLINARY SYSTEM, FOR MORE INFORMATION REGARDING INMATE VIOLENCE.

PURPOSE: To establish guidelines compliant with the Federal Occupational Safety and Health Act of 1970 and to comply with Section 1-1-1410 of the South Carolina Code of Laws of 1976, as amended, which states that each state agency shall develop and implement an agency workplace domestic violence policy which must include, but is not limited to, a zero tolerance policy statement regarding acts or threats of domestic violence in the workplace and safety and security procedures.

POLICY STATEMENT: The South Carolina Department of Corrections is committed to managing Agency facilities in a manner that permits employees to perform their duties and responsibilities in an environment

that is free from domestic violence. The SCDC expects all employees to interact in ways that promote cooperation and mutual respect. (4-ACRS-7E-04, 4-4056)

Reference to 16-25-10 - For purposes of this policy, "domestic violence" and "household member" shall be used as defined in S.C.Code of Laws 16-15.10.

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### SPECIFIC PROCEDURES:

1. Prevention: The SCDC is committed to providing a safe environment for employees and visitors. Employees should refrain from acts of violence and seek assistance to resolve personal issues that may lead to violent behavior in the workplace. (4-ACRS-7C-01, 4-4056)

1.1 Management, to include the Division of Security, should assess the current level of security and, if necessary, make changes that will improve the security of the work environment. This includes the following:

- Ensuring that office floor plans are readily available and are kept up-to-date.
- Ensuring that internal and external emergency contact numbers are posted in conspicuous areas.

1.2 All employees should know what constitutes inappropriate behavior and what to do if they are a witness or subject to such behavior. Employees should notify their immediate supervisor, Warden/Division Director/Deputy Director, or the Employee Relations Branch, Division of Human Resources, if they feel threatened by anyone, including employees and non-employees.

1.3 When evaluating the safety of a workplace, the following should be considered:

- Workplace Environment Wardens/Division Directors/Deputy Directors should regularly review their workplace environment and minimize any physical attributes which may expose employees, customers, clients, patients, or suppliers to violent acts whenever possible. Controlled entrances and exits should be provided to monitor persons entering the work area and lighting should be provided in outside areas and potential places for predators to hide.
- Wardens/Division Directors/Deputy Directors should consider identifying a safe area where employees can gather if the threat of violence requires an area lock down.

- Management will review the physical security of all locations including, but not limited to, security of entrances and exits, adequacy of lighting in parking lots, and the potential need for security staff.

## 2. Prohibited items in the workplace:

Personal weapons of any kind (firearms; knives; dangerous chemicals; explosives or blasting caps; chains; clubs; and other objects carried for the purpose of injury or intimidation) shall not be allowed on SCDC premises or in the possession of an employee during work time, except when issued by SCDC and is required to perform their job duties and responsibilities and otherwise allowed by law.

## 3. SPECIALIZED TRAINING:

3.1 The SCDC will ensure that all existing and new employees receive training on domestic violence to ensure that they understand how to recognize indicators of violent tendencies and steps that should be taken to report and seek help for domestic violence. The Division of Training and Staff Development will ensure that this training is developed, is provided to new employees, and is scheduled on an annual basis for all employees.

3.2 The Division Director of Training and Staff Development/designee will ensure that all employees receive training on emergency preparedness pursuant to SCDC Policy OP-22.29, Emergency Preparedness.

3.3 The Division Director of Training and Staff Development/designee will ensure that all Emergency Response Team members receive training pursuant to SCDC Policy ADM-17.07, Training Requirements for Emergency Response Teams.

## 4. Indicators of Potential Offenders:

4.1 Employees are encouraged to watch for potential warning signs of an individual as follows:

- Past history of destructive, violent, or threatening behavior.
- Extreme stress in an individuals personal or job life.
- Difficulty controlling emotions.
- Evidence of chemical dependency/substance abuse.
- An obsession with weapons.
- Destructive behavior.
- Any harassing behavior.
- Repeated violations of agency policy or rules.
- Obsession with retaliation after being disciplined or reprimanded.
- Significant changes in work performance or other behavior.
- Co-workers reasonable fear of an individual.
- Showing excessive interest in recently publicized violent acts or violent entertainment.
- Exhibiting paranoid behavior.
- An unsuccessful personal history; someone who believes society is out to get me.
- Does not accept responsibility for personal actions; blames others.
- Obsessive behavior such as becoming fixated on another person.

- Preoccupation with violence.
- Change in the level of involvement with co-workers.
- Other major life changes.

## 5. REPORTING/HANDLING OF DOMESTIC VIOLENCE:

5.1 Any employee, while on the job, who feels that he/she is in immediate danger should first call 911 and then immediately notify the first available supervisor, which could include a Warden, Division Director, Deputy Director, the Division of Human Resources, or Employee Relations Branch.

5.2 Employees are encouraged to report to law enforcement any/all domestic violence which occurs outside the workplace.

5.3 An allegation of employee violence, threat, or harassment, will be referred to the Division of Human Resources, Employee Relations Branch, for possible referral for investigation by the Division of Police Services.

5.4 An employee who is a perpetrator of domestic violence in the workplace, off-site but on duty, and/or using State resources, will be subject to disciplinary action as outlined in SCDC Policy ADM-11.04, "Employee Corrective Action."

5.5 Off-duty conduct constituting domestic violence will also result in disciplinary action as outlined in the SCDC Policy ADM-11.04, "Employee Corrective Action."

5.6 An employee who is an alleged perpetrator and the subject of an Order of Protection must report the Order of Protection as per SCDC Policy ADM-11.17, "Employee Conduct." (4-ACRS-7B-05, 4-4061)

5.7 An employee who experiences domestic violence may require support by the agency. Should an employee request assistance through his/her immediate supervisor, Warden, Division Director, Deputy Director, Division of Human Resources, or Employee Relations Branch, the SCDC will discuss any concerns with the employee and refer the employee to the Employee Assistance Program and provide a list of resources available. The SCDC will work with the employee to include the possibility of flexible work schedules, security measures such as escorts to and from parking areas, and appropriate leave. (4-4071)

5.8 A variety of leave options may be available to an employee who is a victim of domestic violence:

- Sick Leave for the purpose of the employee or family members as defined for relative sick leave;
- Advance of sick leave for an employee;
- Consideration for FMLA (for the employee and/or qualifying family member);
- An employee may request and be approved for more than 30 days of annual leave in a calendar year for emergency or extreme hardship conditions;
- Consideration can be given for use of annual/sick leave from the agency's leave pool;
- Use of court leave if the employee is absent for purposes of seeking an order of protection or restraining order, or assisting with the prosecution of a domestic violence case in which there is a witness or survivor.

(Use of court leave will be based on State HR Regulation 19-712.01 F.)

- Unpaid leave may be granted if no other option is available.

NOTE: Employees must abide by SCDC Policy ADM-11.08, "Employee Leave, " when requesting leave outlined above.

## 6. Threat Management Response:

In the event that an employee is a victim to domestic violence, the immediate supervisor, Warden, Division Director or Deputy Director should ensure the employee is referred to the Division of Human Resources, Employees Relations Branch and the Employee Assistance Program. If the incident occurred while the employee was on duty, an investigation may be conducted by the Division of Police Services, and there may be consultation with outside law enforcement, if necessary. The Office of Communications will be the point of contact for any public or media release of information.

## 7. Post Trauma Crisis Management:

7.1 The Warden/Division Director will notify the appropriate member of the Directors staff after a reported incident of domestic violence with a debriefing being conducted with 24-72 hours after an incident of domestic violence in the workplace so that the cause of the incident and expectations can be discussed, a plan of action can be addressed, and those needing further counseling can be identified.

7.2 The Division of Security will review risks and determine what additional security measure, if any, should be in place after the threat. The following is a list of items that may be considered when dealing with an employee who has been affected by domestic violence:

- Contact family members as soon as possible, as appropriate
- Demonstrate concern and care for those who have been harmed
- Set up meetings with those who are affected on a regular basis to debrief them on issues related to the event.
- Open up communication channels and control rumors.
- Determine personnel and business requirements in order to restore the agency back to normal as soon as possible.
- Support employees by discussing the steps necessary to get back to normal.
- Arrange for the post-trauma team to return to the workplace on a periodic basis to counsel and debrief employees. (4-4071)

## 8. Recordkeeping/Evaluation:

8.1 The Division of Police Services will keep records of threats and acts of violence and reports on agency efforts to prevent and address any threats or acts of violence. Records will be reviewed quarterly by the Agency Director and his staff to develop strategies to prevent workplace violence and enhance prevention efforts. For each incident, a SCDC Form 16-123, "Domestic Violence Incident Report," is to be prepared by the Warden/Division Director/Deputy Director and will include the following information:

- Date of the incident;
- Name of the person(s) reporting the incident, his/her title, work location, and phone number;
- Name of the victim or target of the threat;
- Name and work location;
- Name(s) of witnesses;
- Signed statements from witnesses;
- Detailed summary of the incident; and
- Background of perpetrator, employment status, history, etc.

#### 9. DEFINITIONS:

DOMESTIC VIOLENCE - Any abusive, violent, coercive, forceful, or threatening act or word inflicted by one member of a family or household on another can constitute domestic violence.

SIGNATURE ON FILE

—  
s/Bryan P. Stirling, Director

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Date of Signature

ORIGINAL SIGNED COPY MAINTAINED IN THE OFFICE OF POLICY DEVELOPMENT